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Here, typicality is inherent in the class definition, *i.e.*, each of the class members were subject to the same Ordinance and thus, to the same violations of the Constitution as was plaintiff Kathrein. The typicality requirement of Rule 23(a)(3) is well satisfied.

D. Rule 23(A)(4) - Adequacy of Representation

Rule 23 of the Federal Rules of Civil Procedure also requires that the named plaintiffs provide fair and adequate protection for the interests of the class. That protection involves two factors: (1) whether plaintiff's counsel is qualified, experienced, and generally able to conduct the proposed litigation, and (2) whether the plaintiffs have interests antagonistic to those of the class. *Retired Chicago Police Ass'n v. City of Chicago*, 7 F.3d 584, 598 (7th Cir. 1993); *Secretary of Labor v. Fitzsimmons*, 805 F.2d 682, 697 (7th Cir. 1986); *Susman v. Lincoln American Corp.*, 561 F.2d 86, 90 (7th Cir. 1977).

Plaintiff Kathrein understands her responsibilities as the class representative. See Declaration of Victoria Kathrein in Support of Plaintiff's Motion for Class Certification, filed separately. She is represented by experienced counsel whose qualifications are set forth in the Declaration of Adrian M. Vuckovich in Support of Plaintiff's Motion for Class Certification, filed separately.

The second relevant consideration under Rule 23(a)(4) is whether the interests of the named plaintiffs are coincident with the general interests of the class. Kathrein and the class members seek monetary damages and injunctive relief, as well as a declaratory judgment that defendants' violated certain rights guaranteed to them by both the United States and Illinois Constitutions. Given the identical nature of the claims between Kathrein and the class members, there is no potential for conflicting interests in this



IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

MICHAEL L. KATHREIN and VICTORIA KATHREIN, on behalf of herself and all others similarly situated,)))
Plaintiffs,	08 C 0083
v.	,))
CITY OF EVANSTON, ILLINOIS, LORRAINE H. MORTON, Mayor, CHERYL WOLLIN, 1st Ward Alderman, City Council, LIONEL JEAN-BAPTISTE,	PLAINTIFF'S MOTION FOR CLASS CERTIFICATION)
2nd Ward Alderman, City Council, MELISSA A. WYNNE,) JUDGE RONALD A. GUZMAN) MAGISTRATE JUDGE SCHENKIER
3rd Ward Alderman, City Council, STEVEN J. BERNSTEIN,))
4th Ward Alderman, City Council, DELORES A. HOLMES, 5th Ward Alderman, City Council,))
EDMUND B. MORAN, Jr., 6th Ward Alderman, City Council,))
ELIZABETH B. TISDAHL, 7th Ward Alderman, City Council,))
ANN RAINEY, 8th Ward Alderman, City Council,))
ANJANA HANSEN, 9th Ward Alderman, City Council,))
Defendants.))

PLAINTIFF VICTORIA KATHREIN'S MOTION FOR LEAVE TO FILE INSTANTER AN AMENDED AND SUBSTITUTED MEMORANDUM IN SUPPORT OF HER MOTION FOR CLASS CERTIFICATION

Comes Victoria Kathrein, through her counsel, Adrian Vuckovich and James J.

Lessmeister of Collins Bargione & Vuckovich, and for her Motion for Leave to File an Amended



Case 1:08-cv-00083

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and Substituted Memorandum in Support of Plaintiff Victoria Kathrein's Motion for Class Certification states as follows:

1. On April 14, 2008, Victoria Kathrein filed her Motion for Class Certification and

supporting Memorandum. See Document 34.

2. Upon review of the Memorandum, we ask for leave to submit the more cogent

and complete Amended and Substituted Memorandum which is attached hereto as Exhibit A.

3. The Amended Memorandum will have Victoria Kathrein's declaration. There are

minor changes to foot note 2 to the Memorandum and minor grammatical changes. There is no

declaration from Adrian Vuckovich and reference to such has been deleted in the Amended and

Substituted Memorandum.

4. There is no prejudice to the Defendants for the presentment of the motion is not

until Tuesday, April 29, 2008.

Wherefore, plaintiff Victoria Kathrein request that she be granted leave to file instanter her

Amended and Substituted Memorandum in support of her Motion for Class Certification.

Respectfully submitted,

Dated: April 23, 2008

/s/ Adrian M. Vuckovich

Adrian M. Vuckovich
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Author: "Diminskis v. CTA: Circumventing Expert Witness Discovery," Vol. 21:3

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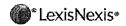
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Clients:

COUNSEL FOR: Chatham Corporation; Altair Corporation; Harvest Industries, Inc.; E & W Railroad Co.

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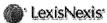
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